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|--|--|--|--|---|--|
| FORM TO 1346<br>(REV 5-93)   |  | US DEPARTMENT OF COMMERCE<br>PATENT AND TRADEMARK OFFICE |  | ATTORNEY DOCKET NUMBER<br>2004-1149A                      |  |
| TRANSMITTAL LETTER TO THE UNITED STATES<br>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br>CONCERNING A FILING UNDER 35 U.S.C. §371  |  |  |  | U.S. APPLICATION NO.<br>(if known, see 37 CFR 1.5)<br>New |  |
| International Application No.<br>PCT/JP03/00724  |  | International Filing Date<br>January 27, 2003            |  | Priority Date Claimed<br>January 28, 2002                 |  |
| Title of Invention<br>HELICOBACTER PYLORI ADHESION INHIBITOR   |  |  |  |   |  |
| Applicant(s) For DO/EO/US<br>Shigeru HIRAMOTO, Yoshiro MORISHITA, Nobutake KIMURA and Yoshikatsu KODAMA  |  |  |  |   |  |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:  |  |  |  |   |  |
| 1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. §371.   |  |  |  |   |  |
| 2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. §371.  |  |  |  |   |  |
| 3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. §371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. §371(b) and PCT Articles 22 and 39(1).  |  |  |  |   |  |
| 4. <input type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.  |  |  |  |   |  |
| 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. §371(c)(2)) <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> has been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</li> </ul>  |  |  |  |   |  |
| 6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. §371(c)(2)).  |  |  |  |   |  |
| 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. §371(c)(3)). <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> have been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ul> |  |  |  |   |  |
| 8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19.  |  |  |  |   |  |
| 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. §371(c)(4)).  |  |  |  |   |  |
| 10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. §371(c)(5)).   |  |  |  |   |  |
| <b>Items 11. to 14. below concern other document(s) or information included:</b>   |  |  |  |   |  |
| 11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.  |  |  |  |   |  |
| 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.   |  |  |  |   |  |
| 13. <input type="checkbox"/> A FIRST preliminary amendment.  |  |  |  |   |  |
| <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.   |  |  |  |   |  |
| 14. <input type="checkbox"/> Other items or information:   |  |  |  |   |  |

| <b>U.S. APPLICATION NO.</b> (If known, see 37 CFR 1.5)<br>New  |              | <b>INTERNATIONAL APPLICATION NO.</b><br>PCT/JP03/00724 |           | <b>ATTORNEY'S DOCKET NO.</b><br>004-1149A   |    |              |              |  |  |
|--|--------------|--|-----------|---|----|--------------|--------------|--|--|
| 15. <input checked="" type="checkbox"/> The following fees are submitted<br><br><b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):</b><br>Neither international preliminary examination fee nor international search fee paid to USPTO<br>and International Search Report not prepared by the EPO or JPO ..... \$1080.00<br>International Search Report has been prepared by the EPO or JPO ..... \$ 920.00<br>International preliminary examination fee not paid to USPTO but international search<br>paid to USPTO ..... \$ 770.00<br>International preliminary examination fee paid to USPTO but claims did not satisfy provisions<br>of PCT Article 33(1)-(4) ..... \$ 690.00<br>International preliminary examination fee paid to USPTO and all claims satisfied provisions of<br>PCT Article 33(1)-(4) ..... \$ 100.00<br><br><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b> |              |  |           | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">CALCULATIONS</th> <th style="width: 50%;">PTO USE ONLY</th> </tr> <tr><td style="height: 100px;"></td><td></td></tr> </table>                                 |    | CALCULATIONS | PTO USE ONLY |  |  |
| CALCULATIONS   | PTO USE ONLY |  |           |   |    |              |              |  |  |
|  |              |  |           |   |    |              |              |  |  |
| Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest<br>claimed priority date (37 CFR 1.492(e)).   |              |  |           | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 50%;">\$</td><td style="width: 50%;"></td></tr> </table>   |    | \$           |              |  |  |
| \$   |              |  |           |   |    |              |              |  |  |
| Claims   | Number Filed | Number Extra   | Rate      |   |    |              |              |  |  |
| Total Claims   | -20 =        |  | X \$18.00 | \$  |    |              |              |  |  |
| Independent Claims   | - 3 =        |  | X \$86.00 | \$  |    |              |              |  |  |
| Multiple dependent claim(s) (if applicable)  |              |  |           | \$  |    |              |              |  |  |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>   |              |  |           | \$  |    |              |              |  |  |
| <input type="checkbox"/> Small Entity Status is hereby asserted. Above fees are reduced by 1/2.  |              |  |           | \$  |    |              |              |  |  |
| <b>SUBTOTAL =</b>  |              |  |           | \$  |    |              |              |  |  |
| Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest<br>claimed priority date (37 CFR 1.492(f)).  |              |  |           | +   | \$ |              |              |  |  |
| <b>TOTAL NATIONAL FEE =</b>  |              |  |           | \$  |    |              |              |  |  |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an<br>appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property   |              |  |           | +   | \$ |              |              |  |  |
| <b>TOTAL FEES ENCLOSED =</b>   |              |  |           | \$  |    |              |              |  |  |
|  |              |  |           | Amount to be refunded   | \$ |              |              |  |  |
|  |              |  |           | Amount to be charged  | \$ |              |              |  |  |
| a. <input type="checkbox"/> A check in the amount of \$ to cover the above fees is enclosed. A duplicate copy of this form is enclosed.<br>b. <input type="checkbox"/> Please charge my Deposit Account No. 23-0975 in the amount of \$ to cover the above fees.<br>A duplicate copy of this sheet is enclosed.<br>c. <input type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any<br>overpayment to Deposit Account No.  |              |  |           |   |    |              |              |  |  |
| <b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b))<br/>         must be filed and granted to restore the application to pending status.</b>  |              |  |           |   |    |              |              |  |  |
| 19. CORRESPONDENCE ADDRESS<br><br><br><br><br><br><br><br><br><br><div style="text-align: center;"> <b>CUSTOMER NO.</b><br/> <b>000513</b> </div>  |              |  |           | By: <u>Matthew M. Jacob</u><br>Matthew M. Jacob,<br>Registration No. 25,154<br><br>WENDEROTH, LIND & PONACK, L.L.P.<br>2033 "K" Street, N.W., Suite 800<br>Washington, D.C. 20006-1021<br>Phone: (202) 721-8200<br>Fax: (202) 721-8250<br><br>August 30, 2004 |    |              |              |  |  |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :  
Shigeru HIRAMOTO et al. : **Mail Stop: PCT**  
Serial No. New : Attorney Docket No. 2004-1149A  
Filed July 20, 2004 :

HELICOBACTER PYLORI ADHESION  
INHIBITOR  
[Corresponding to PCT/JP03/00724  
Filed January 27, 2003]

**SECOND INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicants request consideration of the references listed on attached form PTO-1449 and any additional information identified below in paragraph 3. A legible copy of each reference listed on the Form PTO-1449 is enclosed, except a copy is not provided for:

- ☐ each U.S. Patent and U.S. Patent application publication (*for U.S. National applications filed after June 30, 2003 and International applications that have entered U.S. National Stage after June 30, 2003*),
- ☐ each reference previously cited in the international application PCT/\_\_\_\_\_; and/or
- ☐ each reference previously cited in prior parent application Serial No. \_\_\_\_\_.

1a. [X] This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above-entitled application, **or**

before the mailing of a first Office Action on the merits or the mailing of a first Office Action after the filing of an RCE,

**and thus no certification and/or fee is required.**

1b. ☐ This Information Disclosure Statement is submitted

after the events of above paragraph 1a and prior to the mailing date of a final Office Action or a Notice of Allowance or an action which otherwise closes prosecution in the application, and thus:

(1) ☐ the certification of paragraph 2 below is provided, **or**

(2) ☐ the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

1c. ☐ This Information Disclosure Statement is submitted:

after the mailing date of a final Office Action or Notice of Allowance or action which otherwise closes prosecution in the application, and prior to payment of the issue fee, and thus:

**the certification of paragraph 2 below is provided, and**

**the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.**

2. It is hereby certified


a. ☐ that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or

b. ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Statement.

3. ☐ Consideration of the following list of additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.
4. For each non-English language reference listed on the attached form PTO-1449, reference is made to:
- a. ☐ a full or partial English language translation submitted herewith,
  - b. ☐ a foreign patent office search report (in the English language) submitted herewith,
  - c. ☒ the concise explanation contained in the specification of the present application at page 2,
  - d. ☒ the concise explanation set forth in the attached English language abstract,
  - e. ☒ the concise explanation set forth below or on a separate sheet attached to the reference: **Enclosed herewith are the following two reference materials disclosed on page 2 of the Description. (1) JP 10-287585 (corresponding to U.S. 6,419,926) and (2) JP 3255161 (with English abstract).**
5. ☐ A foreign patent office search report citing one or more of the references is enclosed.

Respectfully submitted,

Shigeru HIRAMOTO et al.

By   
Matthew M. Jacob  
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Attorney for Applicants

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August 30, 2004

FORM PTO 1449 (modified)

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICELIST OF REFERENCES CITED BY APPLICANT(S)  
(Use several sheets if necessary)

Date Submitted to PTO: August 30, 2004

ATTY DOCKET NO.  
2004-1149AAL NO.  
NewAPPLICANT  
Shigeru HIRAMOTO et al.FILING DATE  
July 20, 2004

GROUP

## U.S. PATENT DOCUMENTS

| *EXAMINER<br>INITIAL |    | DOCUMENT<br>NUMBER | DATE    | NAME          | CLASS | SUBCLASS | FILING DATE IF<br>APPROPRIATE |
|----------------------|----|--------------------|---------|---------------|-------|----------|-------------------------------|
|                      | AA | 6,419,926          | 07/2002 | Kodama et al. |       |          |                               |
|                      | AB |                    |         |               |       |          |                               |
|                      | AC |                    |         |               |       |          |                               |
|                      | AD |                    |         |               |       |          |                               |
|                      | AE |                    |         |               |       |          |                               |
|                      | AF |                    |         |               |       |          |                               |
|                      | AG |                    |         |               |       |          |                               |
|                      | AH |                    |         |               |       |          |                               |
|                      | AI |                    |         |               |       |          |                               |

## FOREIGN PATENT DOCUMENTS

|  |    | DOCUMENT<br>NUMBER | DATE    | COUNTRY | CLASS | SUBCLASS | TRANSLATION<br>YES NO |  |
|--|----|--------------------|---------|---------|-------|----------|-----------------------|--|
|  | AJ | 10-287585          | 10/1998 | Japan   |       |          | X                     |  |
|  | AK | 2000-229865        | 08/2000 | Japan   |       |          | Abs.                  |  |
|  | AL |                    |         |         |       |          |                       |  |
|  | AM |                    |         |         |       |          |                       |  |
|  | AN |                    |         |         |       |          |                       |  |

## OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)

|  |    |  |
|--|----|--|
|  | AO |  |
|  | AP |  |
|  | AQ |  |

EXAMINER

DATE CONSIDERED